



**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
Joel W. Solomon United States Courthouse  
900 Georgia Avenue  
Chattanooga, Tennessee 37402

## **RIGHTS VERSUS RESPONSIBILITIES**

Americans often talk about “our rights” and are not hesitant to invoke “our rights.” When we do so, we are talking about those rights protected under the United States Constitution, such as the right to freedom of speech, freedom of assembly, freedom of religion, and freedom from unreasonable searches and seizures. As citizens, we all have these and other rights protected from infringement by the government, whether federal or state. These rights are vitally important and play a large role in the kind of government we have and the society in which we live.

What we do not talk about nearly as much, but which are equally important, are the responsibilities that go along with our rights. Under our democratic republican form of government, there are corresponding responsibilities that go with citizenship and membership in our larger society. Without citizens recognizing and willingly shouldering these responsibilities, our government and our society would cease to function. In a free society such as ours, it is imperative that citizens embrace these responsibilities.

### **General Civic Responsibilities.**

General responsibilities of citizens include obeying the laws, paying taxes, keeping informed on pertinent public issues, voting, serving in the military, serving in public office, serving on juries, and, serving as witnesses when called upon to do so. These last two civic responsibilities pertain specifically to citizens’ obligation to participate in the judicial branch of our government.

### **Jury Service.**

Jury service is one of the most important civic responsibilities we can fulfill. Our Constitution assigns to the average citizen acting as part of a jury the responsibility to determine whether the “life, liberty, or property” of another citizen should be diminished.

In criminal cases, that must happen twice. First, before a person can even be subject to the loss of life or liberty, average citizens acting as part of a grand jury must give their consent by the return of an indictment if they find that the government has presented sufficient evidence to show there is probable cause to believe a crime has been committed and the person in question committed that crime. After indictment, a person charged with a serious crime may not be deprived of life or liberty without another group of average citizens, acting as a petit or trial jury,

determining unanimously that the government has produced proof beyond a reasonable doubt that the person is guilty. Only after the jury has made this determination may a judge impose a sentence.

In civil cases, one person is seeking money from another in a private dispute. There is no risk of a loss of life or liberty, but there is a risk of loss of property when a defendant is ordered to pay money to the plaintiff. As in criminal cases, before a defendant can be subjected to a loss of property, average citizens acting as a trial jury must determine by preponderance, or majority, of the evidence that the deprivation is justified.

This shows how important it is for average citizens to serve on juries. Without average citizens willingly serving as jurors, the judiciary would not be able to fulfil its fundamental function of resolving disputes. Those accused of crimes could not have their day in court. The government would not be able to fulfill its responsibility of enforcing the criminal laws. People seeking financial compensation in civil cases would not be able to get decisions. So, when called upon to do so, it is critical to our judiciary and society at large that citizens respond to requests to serve as jurors.

#### Serving as a Witness.

Our judiciary functions by giving both sides in a dispute the right to present evidence to support their positions in court. The evidence most often involves the sworn testimony of witnesses who have knowledge about the dispute. Without the testimony of witness, parties would be unable to present the proof they believe supports their positions. Cases might then be decided incorrectly, and justice would not be served. As in the case of average citizens being called to serve as jurors, it is critical to our judiciary and society at large that citizens respond positively to requests to testify as witnesses. This is another of our crucial civic responsibilities

#### Citizens Serving in the Judiciary.

There is another way to fulfill a civic responsibility to through the judiciary. Judges are the public face of the judiciary. They are the individuals we most often identify with the courts. Although judges are indispensable, the judiciary could not function without a host of others working diligently behind the scenes. Clerks, judicial law clerks, probation officers, U.S. Marshals, and others make the judiciary work. The judiciary relies on ordinary citizens filling these important positions so it can fulfill its role as assigned by the Constitution. These public servants fulfill an important civic responsibility through their work every day.

Rights and responsibilities – both are necessary and equally important in our democratic republican form of government. The judiciary, like the two other branches, depends on average citizens being willing to accept the responsibilities that come with citizenship to ensure we remain a free society.

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